

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (39F)
PRELIMINARY DECREE

CLAIMANT: Bonefield Joint Revocable Trust

OBJECTOR: USA (Dept. of Interior Bureau of Land Mgmt.)

CASE 39F-0407-R-2022

39F 175757-00

39F 175758-00

39F 175761-00

39F 175762-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. The Bonefield Joint Revocable Trust (Bonefield) is the record owner of claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00.

2. Claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00 were decreed with DNRC issue remarks:

39F 175757-00:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD AND POINT OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 173 TIMES THE CAPACITY OF THE RESERVOIR.

39F 175758-00:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD AND POINT OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 40 TIMES THE CAPACITY OF THE RESERVOIR.

39F 175761-00:

THIS CLAIM PRESENTS ISSUES OF FACT AND LAW THAT MAY BE ADDRESSED AT THE OBJECTION STAGE. IT APPEARS THAT 300 ACRES ARE ACTUALLY IRRIGATED AND PROBLEMS COULD EXIST WITH FLOW RATE AND VOLUME.

THE CLAIMED POINT OF DIVERSION IS IN QUESTION. THE LOCATION OF THE DIKE CANNOT BE IDENTIFIED FROM AVAILABLE DATA.

39F 175762-00:

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED PRIORITY DATE.

UNABLE TO LOCATE RESERVOIR NO. 1 WITH THE AVAILABLE INFORMATION

THIS CLAIM APPEARS TO DIVERT WATER FROM TWO SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 37.8 TIMES THE CAPACITY OF THE RESERVOIR.

3. The United States of America (BLM) objected to claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00.

4. During the June 29, 2022 Status Conference, Roger Bonefield was informed that all issue remarks decreed on claims must be addressed.

5. On January 3, 2023, a Stipulation was filed to resolve the Objections to claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00; a copy is attached. Pursuant to the Stipulation, the following changes should be made to the claims:

39F 175757-00:

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NENENE	23	6S	62E	CARTER
2	269.00			24	6S	63E	CARTER
3	2.00		SWSWNW	19	6S	63E	CARTER
4	14.00		NWSW	19	6S	63E	CARTER
5	87.00		W2	13	6S	62E	CARTER
6	9.00		S2SW	12	6S	62E	CARTER
7	60.00		E2E2	14	6S	62E	CARTER
Total:	447.00						

39F 175758-00:

*Maximum Acres: 20.00 17.00

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00 17.00	S2WNW	S2NW	20	6S	62E	CARTER
Total:	20.00 17.00						

39F 175761-00:

Maximum Acres: 334.00 274.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	70.00		SE	25	6S	62E	CARTER
2	9.00		SWSENW	30	6S	63E	CARTER
3	5.00		SWNW	30	6S	63E	CARTER
4	150.00		S2	30	6S	63E	CARTER
5	40.00 90.00	NENW	NW	31	6S	63E	CARTER
6	10.00		N2NESW	31	6S	63E	CARTER
Total:	334.00 274.00						

39F 175762-00:

Maximum Acres: 401.00 452.00

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	288.00			28	8S	62E	CARTER
2	100.00		W2W2	23	8S	62E	CARTER
3	35.00		E2E2	22	8S	62E	CARTER
4	85.00		NW	22	8S	62E	CARTER
5	5.00		SWNE	22	8S	62E	CARTER
	4.00		NWNW	22	8S	62E	CARTER
	35.00		SENE	22	8S	62E	CARTER
	30.00		E2SW	22	8S	62E	CARTER
	158.00		E2	22	8S	62E	CARTER

5. As issue remarks were unresolved after the Stipulation was filed, an Order Setting Filing Deadline was issued on January 9, 2023. The Order set a February 10, 2023 deadline for Bonefield to address the following remarks:

THE PRIORITY DATE MAY BE QUESTIONABLE. THE PRIORITY DATE DESCRIBED ON THE FILED NOTICE OF APPROPRIATION IS INCONSISTENT WITH THE CLAIMED PRIORITY DATE.

UNABLE TO LOCATE RESERVOIR NO. 1 WITH THE AVAILABLE INFORMATION

THIS CLAIM APPEARS TO DIVERT WATER FROM TWO SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

6. The January 9, 2023 Order explained that Claim 39F 175762-00 was claimed and decreed with an October 3, 1960 priority date:

13. Check one:

- ☒ Decreed Water Right
☒ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

Hour 1 Day 2 Year 1944
 Month Oct. Day 3 Year 1960

It appears the Notice of Appropriation claim 39F 175762-00 is based on was filed on October 3, 1961, not October 3, 1960:

WITNESS my hand and seal at Ekalaka, in Carter County, Montana, this 31 day of October, 1961.

William P Bonefield
 William F. Bonefield, Appropriator
 Capitol, Montana

STATE OF MONTANA
 COUNTY OF CARTER SS

STATE OF MONTANA
 COUNTY OF CARTER
 Filed for record this 3 day of October, 1961, at 11:30 A.M. and recorded to Book 2 Water Rights
 s. 4.00
 Ray Nickerson
 Clerk and Recorder
 Deputy

Page 2.

The January 9, 2023 Order explained that changing the priority date for claim 39F 175762-00 to October 3, 1961 would resolve the priority date issue remark.

7. The January 9, 2023 Order explained that the reservoir issue remark decreed on claim 39F 175762-00 does not overcome the prima facie statement of claim. Nevertheless, the Order explained that if the Claimant would like to modify the legal land description to the dam described by point of diversion no. 1, it may.

8. The January 9, 2023 Order explained that claim 39F 175762-00 was decreed with the source listed as “South Beaver Dam Creek.” A DNRC examination note states:

Reservoir mapping reveals that the Points of of Diversion are on two separate sources. Point of diversion no.1 is on South Beaver Dam Creek. Point of Diversion no.2 is on an unnamed tributary of Beaver Dam creek. Added an S110 issue remark to the water right. JB 5/24/2018

The Order stated that it appears the following modifications should be made to claim 39F 175762-00, in addition to those noted in the Stipulation:

Source Name:	SOUTH BEAVER DAM CREEK	Source: UNNAMED TRIBUTARY OF BEAVER DAM CREEK
Source Type:	SURFACE WATER	Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:		
<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u> <u>Twp</u> <u>Rge</u> <u>County</u>
1		NWNESE 35 6S 62E CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31	Source: SOUTH BEAVER DAM CREEK
Diversion Means:	DAM	
2		S2SW 23 6S 62E CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31	Source: UNNAMED TRIBUTARY OF BEAVER DAM CREEK
Diversion Means:	DAM	
Reservoir:	ONSTREAM	

9. The January 9, 2023 Order set a deadline to determine if Claimant Bonefield Joint Revocable Trust agrees the priority date for claim 39F 175762-00 should be modified to October 1, 1961, and the “Unnamed Tributary of Beaver Dam Creek” should be added as an additional source. The Order indicated that if nothing were filed by the February 10, 2023 deadline, this Water Master would conclude Claimant Bonefield Joint Revocable Trust agrees the priority date for claim 39F 175762-00 is October 1, 1962 and the claim should be modified as follows (in addition to the changes contemplated in the Stipulation):

Source Name:	SOUTH BEAVER DAM CREEK	Source: UNNAMED TRIBUTARY OF BEAVER DAM CREEK
Source Type:	SURFACE WATER	Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:		
<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u> <u>Sec</u> <u>Twp</u> <u>Rge</u> <u>County</u>
1		NWNESE 35 6S 62E CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31	Source: SOUTH BEAVER DAM CREEK
Diversion Means:	DAM	
2		S2SW 23 6S 62E CARTER
Period of Diversion:	JANUARY 1 TO DECEMBER 31	Source: UNNAMED TRIBUTARY OF BEAVER DAM CREEK
Diversion Means:	DAM	
Reservoir:	ONSTREAM	

The following language was included in the Order:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

Nothing was filed by the deadline.

CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks that appear on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The notice-type issue remarks decreed on claims in this Case have served their purpose; as the Objections have been resolved, no further proceedings are required.

5. Water-spreading systems divert and use water based on the natural availability of water, not the availability of water controlled or stored by a structure. The storage capacity of the reservoir is not the correct guideline or limitation for determining the reasonableness of the claimed volume. The volume guideline applicable to direct flow water spreading systems that do not utilize stored water is the number of acre-feet

per acre based upon the climatic area for the claimed place of use. *See* Rule 15(e), W.R.C.E.R.

RECOMMENDATIONS

1. The claims should be modified as shown in the Findings of Fact.
2. The issue remarks should be removed from the claims.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Bonefield Joint Revocable Trust
18910 Selah Lane
Belle Fourche, SD 57717
Roger Bonefield: 605-639-5378
Judy Bonefield: 605-639-9839

Service Via Electronic Mail:

Mark Widerschein,
NRS-ENRD US DOJ
PO Box 7611
Washington, DC 20044-7611
202-532-5803
Mark.Widerschein@Usdoj.Gov
Montanabasins.ENRD@USDOJ.GOV

TODD KIM, Assistant Attorney General
Environment & Natural Resources Division

ELECTRONICALLY FILED

JESSE LASLOVICH, United States Attorney
District of Montana

39F-0407-R-2022

MARK J. WIDERSCHIEIN, Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone: (202) 532-5803 (Widerschein)

January 3, 2023

Montana Water Court

ATTORNEYS FOR UNITED STATES OF AMERICA,
Bureau of Land Management

**IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
LITTLE MISSOURI RIVER BASIN ABOVE LITTLE BEAVER CREEK (43B)
PRELIMINARY DECREE**

* * * * *

CLAIMANT: Bonefield Joint Revocable Trust

CASE 39F-0407-R-2022

OBJECTOR: United States of America (Bureau of Land
Management)

39F 175757-00

39F 175758-00

39F 175761-00

39F 175762-00

STIPULATION TO RESOLVE OBJECTIONS

This Stipulation, entered into by the United States of America - Bureau of Land Management (“BLM” or the “United States”), and Claimant Bonefield Joint Revocable Trust (“Claimant”), is for the purpose of resolving the United States’ objections to Water Right Claim Nos. 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00.

RECITALS

A. Pursuant to Mont. Code Ann. § 85-2-221, Claimant, or a predecessor-in-interest to Claimant, timely filed Statements of Claim for claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00 with the Department of Natural Resources and Conservation.

B. Pursuant to Mont. Code Ann. § 85-2-233, the United States timely filed Notices of Objection to claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00 as they appeared on the Preliminary Decree for Basin 39F.

C. Claim 39F 175757-00 asserts a filed right on Unnamed Tributary of Little Missouri River for irrigation of Claimant's place of use. Place of Use ID No. 4 on the Preliminary Decree includes land in Range 62E, which is federal land managed by the BLM. The legal land description requires corrections to accurately reflect current and historical use.

D. Claim 39F 175758-00 asserts a filed right on Unnamed Tributary of Little Missouri River for irrigation of Claimant's place of use. A portion of the place of use encompasses federal land managed by the BLM. The legal land description requires corrections to accurately reflect current and historical use.

E. Claim 39F 175761-00 asserts a filed right on Unnamed Tributary of Beaver Dam Creek, North Fork, for irrigation of Claimant's place of use. A portion of the place of use encompasses federal land managed by the BLM. The legal land description requires corrections to accurately reflect current and historical use.

F. Claim 39F 175762-00 asserts a filed right on South Beaver Dam Creek for irrigation of Claimant's place of use. A portion of the place of use encompasses federal land managed by the BLM. The legal land description requires corrections to accurately reflect current and historical use.

G. In the interest of resolving this case without the need for further litigation, Claimant and the United States stipulate to the modifications below.

STIPULATION

1. The place of use for claim 39F 175757-00 should be amended as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NENENE	23	6S	62E	CARTER
2	269.00			24	6S	62E	CARTER
3	2.00		SWSWNW	19	6S	62E	CARTER
4	14.00		NWSW	19	6S	62E 63E	CARTER
5	87.00		W2	13	6S	62E	CARTER
6	9.00		S2SW	12	6S	62E	CARTER
7	60.00		E2E2	14	6S	62E	CARTER
Total: 447.00							

2. The place of use for claim 39F 175758-00 should be amended as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00 17.00		S2NW SWNW	20	6S	62E	CARTER
Total: 20.00 17.00							

3. Claim 39F 175761-00 should be amended as follows:

a. The Maximum Acres should be reduced to **274.00** acres.

b. The place of use should be amended as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	70.00		SE	25	6S	62E	CARTER
2	9.00		SWSNW	30	6S	63E	CARTER
3	5.00		SWNW	30	6S	63E	CARTER
4	150.00		S2	30	6S	63E	CARTER
5	90.00 40.00		NENW NENW	31	6S	63E	CARTER
6	10.00		N2NESW	31	6S	63E	CARTER
Total: 334.00 274.00							

4. Claim 39F 175762-00 should be amended as follows:
 - a. The Maximum Acres should be reduced to **452.00** acres.
 - b. The place of use should be amended as follows:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>4.00</u> 266.00		<u>NWNW</u>	26	6S	62E	CARTER
2	<u>35.00</u>		<u>SE</u>	<u>26</u>	<u>6S</u>	<u>62E</u>	<u>CARTER</u>
3	<u>30.00</u>		<u>E2SW</u>	<u>26</u>	<u>6S</u>	<u>62E</u>	<u>CARTER</u>
4	<u>158.00</u>		<u>E2</u>	<u>26</u>	<u>6S</u>	<u>62E</u>	<u>CARTER</u>
5 2	100.00		W2W2	23	6S	62E	CARTER
6 3	35.00		E2E2	22	6S	62E	CARTER
7 4	85.00		NW	22	6S	62E	CARTER
8 5	5.00		SWNE	22	6S	62E	CARTER
Total:	<u>452.00</u> 491.00						

5. The proposed maps attached as **Attachments 1, 2 and 3** to this Stipulation accurately reflect the modifications stipulated above.
6. Upon entry of a ruling and final order in this case reflecting the amendments specified above for claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00, the United States' objections to claims 39F 175757-00, 39F 175758-00, 39F 175761-00, and 39F 175762-00 shall be deemed resolved, provided that such order(s) do not expand or change other substantive elements of the claim.
7. This Stipulation is the compromise of disputed water claims and is not to be construed as an admission against the interests of any party.
8. The terms of this Stipulation are binding on the parties, their successors, and assignees. Nothing in this Stipulation shall create any right, claim, cause of action, objection, defense, or other remedy in any person not a party to the Stipulation.

9. Each party will bear its own costs and attorney fees arising from the negotiation and execution of the Stipulation and in proceedings before the Montana Water Court regarding this case.

10. Each undersigned party entered into and executed this Stipulation voluntarily, in good faith, and without any fraud, misunderstanding, misrepresentation, overreaching, duress, or undue influence, whatsoever.

11. The parties hereto represent and affirm that the signatories to this Stipulation are legally authorized to bind the party to this matter.

12. This Stipulation may be executed by the parties in counterparts, each of which when executed and filed with the Montana Water Court shall be an original, but all of which together shall constitute one instrument.

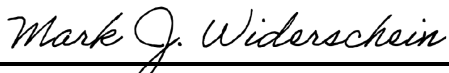
13. This document (§§ 1-13) embodies the entire Stipulation of the parties.

IT IS SO STIPULATED on the date last entered below:

TODD KIM, Assistant Attorney General
Environment & Natural Resources Division

JESSE A. LASLOVICH, United States Attorney
District of Montana

Dated: January 3, 2023


MARK J. WIDERSCHIN, Trial Attorney
Mark.Widerschein@usdoj.gov | (202) 532-5803
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Electronic Service: MontanaBasins.ENRD@usdoj.gov

ATTORNEYS FOR UNITED STATES OF AMERICA,
Bureau of Land Management

Dated: 12-20-22, 2022

Judy Bonefield Trustee

Roger Bonefield

Roger & Judy Bonefield
Bonefield Joint Revocable Trust
18910 Selah Lane
Belle Fourche, SD 57717
Telephone: 605-639-5378

Attachment 1

[Print Map](#)

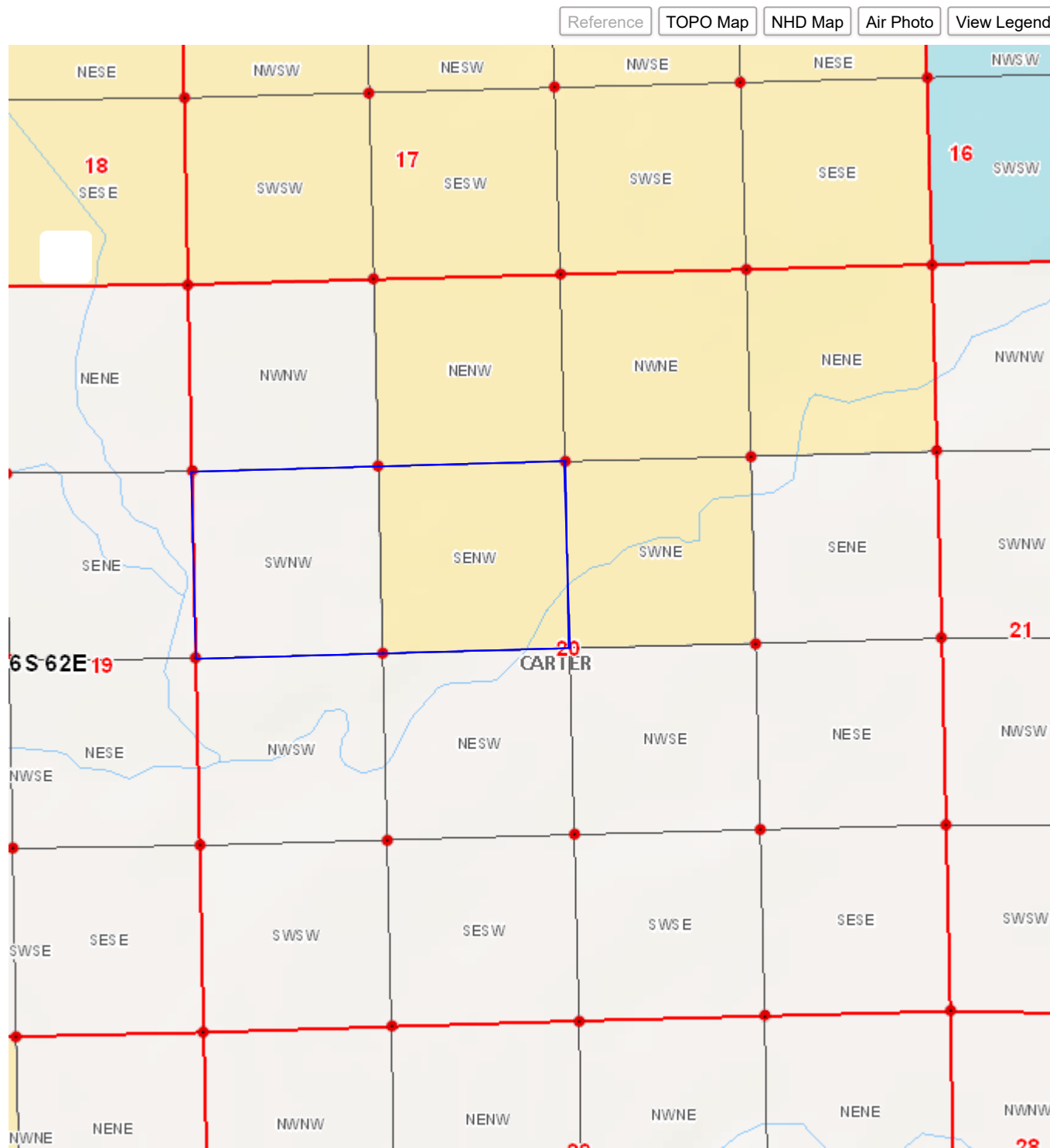
Legend

- ☒ **Diversion Count:**
 - ☒ Surface water diversion.
 - ☒ Ground water diversion.
 - ☐ **Adjacent Diversions**
 - ☒ Surface water diversion.
 - ☒ Ground water diversion.
 - ☒ ☐ **Place of Use Legal Land Descriptions**
 - ☐ ☐ **Adjacent POUs**
 - ☐ ☐ **Cadastral** ☐
 - ☒ **PLSS Detail** ☐

Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.



Attachment 2



Water Right Number:
39F 175761 00NULL

Print Map

Legend

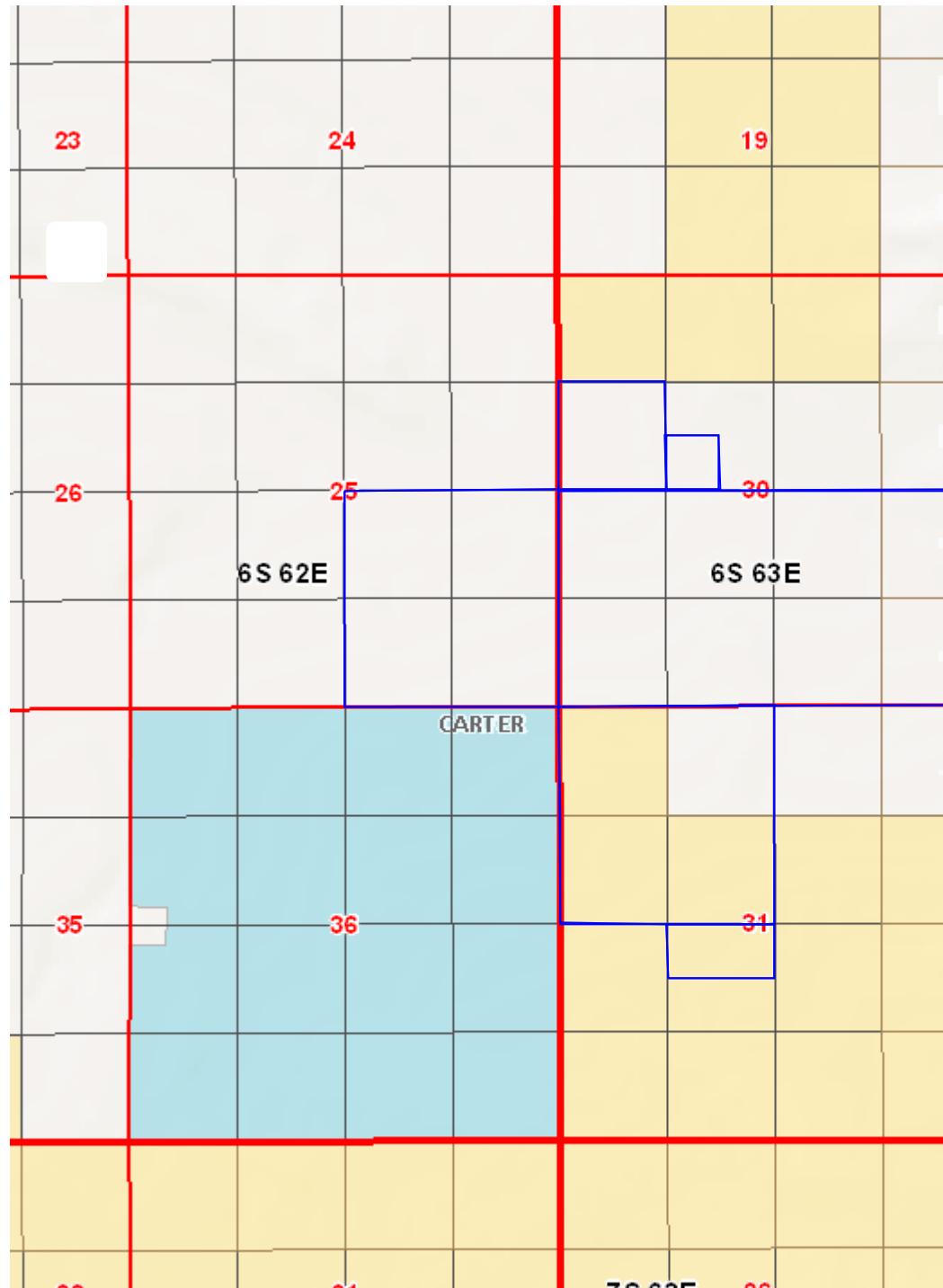
- ☒ Diversion Count:
 - Surface water diversion.
 - Ground water diversion.
- ☐ Adjacent Diversions
 - Surface water diversion.
 - Ground water diversion.
- ☒ Place of Use Legal Land Descriptions
 - Adjacent POUs
 - Cadastral ?
- ☒ PLSS Detail ?

Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.

Reference TOPO Map NHD Map Air Photo View Legend



Attachment 3



Water Right Number:
39F 175762 00NULL

Print Map

Legend

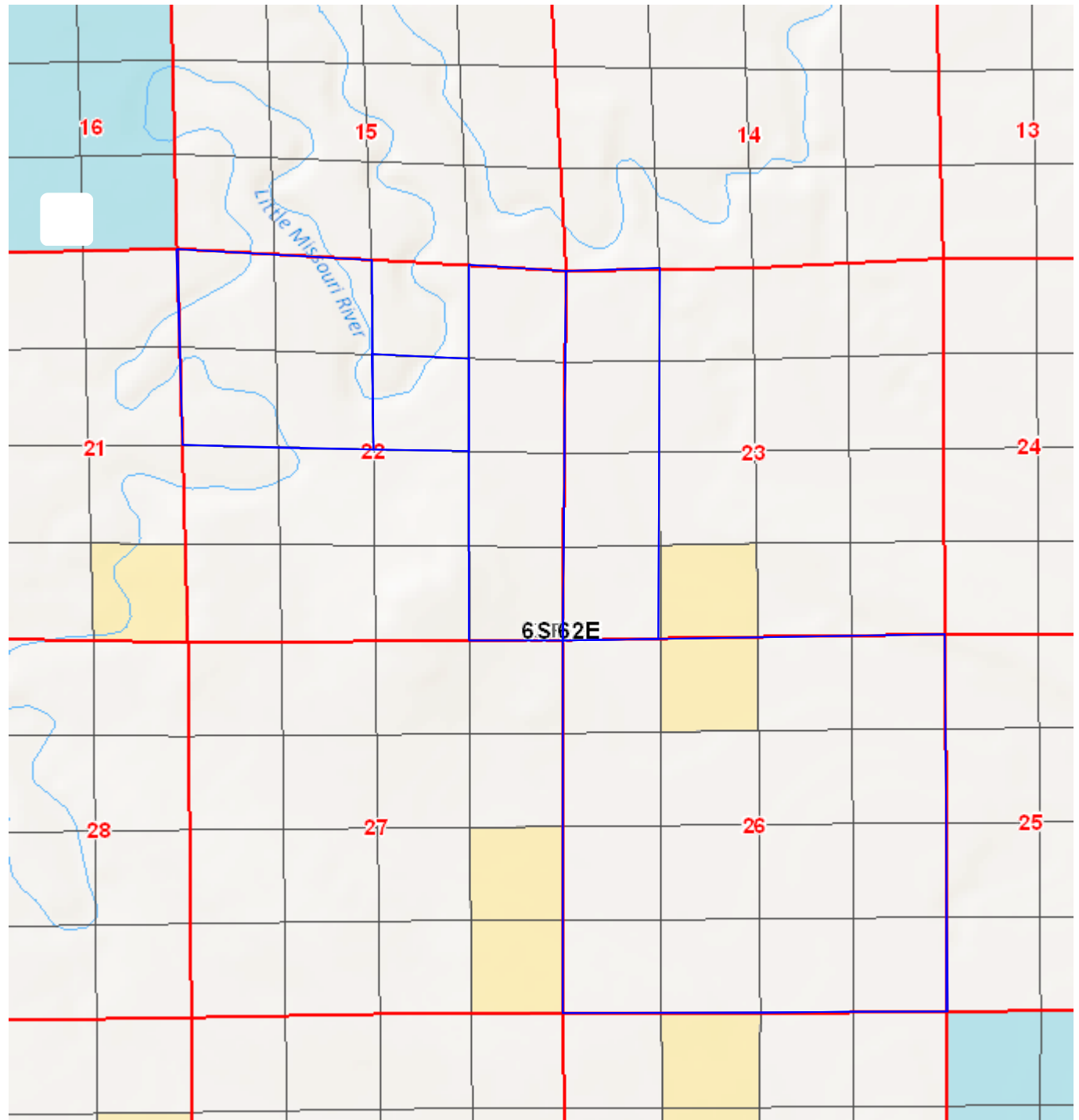
- ☒ Diversion Count:
 - Surface water diversion.
 - Ground water diversion.
- ☐ Adjacent Diversions
 - Surface water diversion.
 - Ground water diversion.
- ☒ Place of Use Legal Land Descriptions
 - Adjacent POUs
 - Cadastral ?
- ☒ PLSS Detail ?

Note:

Contact DNRC if you have any questions or if the mapped information appears incorrect.

The points of diversion (PODs) and places of use (POUs) are derived from water right legal land descriptions. PODs are placed at the center of their legal land description, not at their true geographic location. POUs are drawn as polygons of the entire legal land description.

Reference TOPO Map NHD Map Air Photo View Legend



CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2023, I sent a true and correct copy of the foregoing document to the following:

Service via USPS Mail:

Bonefield Joint Revocable Trust
18910 Selah Lane
Belle Fourche, SD 57717
Roger Bonefield: 605-639-5378
Judy Bonefield: 605-639-9839

/s/ Melissa Saale

Melissa Saale, Law Clerk

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175757-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BONEFIELD JOINT REVOCABLE TRUST
18910 SELAH LANE
BELLE FOURCHE, SD 57717

Priority Date: AUGUST 13, 1910

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

***Volume:** 938.70 AC-FT
Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 447.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNW	19	6S	63E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWSWNW	19	6S	63E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 5.00 FEET

Depth: 3.00 FEET

Surface Area: 4.50 ACRES

Capacity: 5.40 ACRE-FEET

THE DAM EXTENDS INTO THE NWSWNW SEC 19 TWP 6S RGE 63E CARTER COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NENENE	23	6S	62E	CARTER
2	269.00			24	6S	63E	CARTER
3	2.00		SWSWNW	19	6S	63E	CARTER

4	14.00	NWSW	19	6S	63E	CARTER
5	87.00	W2	13	6S	62E	CARTER
6	9.00	S2SW	12	6S	62E	CARTER
7	60.00	E2E2	14	6S	62E	CARTER
Total:						447.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

175757-00 175760-00 175764-00

THIS CLAIM INCLUDES THE RIGHT TO DIVERT THE ENTIRE SOURCE WITH THE WATER THAT IS NOT BENEFICIALLY USED RETURNED TO THE SOURCE.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175758-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BONEFIELD JOINT REVOCABLE TRUST
18910 SELAH LANE
BELLE FOURCHE, SD 57717

Priority Date: APRIL 9, 1909

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

***Volume:** 42.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 17.00

Source Name: UNNAMED TRIBUTARY OF LITTLE MISSOURI RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENE	19	6S	62E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESENE	19	6S	62E	CARTER

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 5.00 FEET

Surface Area: 1.50 ACRES

Capacity: 3.00 ACRE-FEET

THE DAM EXTENDS INTO THE SWSWNW SEC 20 TWP 6S RGE 62E CARTER COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	17.00		SWNW	20	6S	62E	CARTER
Total:	17.00						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175761-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BONEFIELD JOINT REVOCABLE TRUST
18910 SELAH LANE
BELLE FOURCHE, SD 57717

Priority Date: JANUARY 6, 1909

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 501.00 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 274.00

***Source Name:** UNNAMED TRIBUTARY OF NORTH FORK BEAVER DAM CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	31	6S	63E	CARTER

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	70.00		SE	25	6S	62E	CARTER
2	9.00		SWSNW	30	6S	63E	CARTER
3	5.00		SWNW	30	6S	63E	CARTER
4	150.00		S2	30	6S	63E	CARTER
5	40.00		NENW	31	6S	63E	CARTER
Total:	274.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

175761-00

175765-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK
BASIN 39F

Water Right Number: 39F 175762-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BONEFIELD JOINT REVOCABLE TRUST
18910 SELAH LANE
BELLE FOURCHE, SD 57717

Priority Date: OCTOBER 3, 1961

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: WATER SPREADING

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

Volume: 736.50 AC-FT
Climatic Area: 2 - MODERATELY HIGH

Maximum Acres: 452.00

Source Name: SOUTH BEAVER DAM CREEK
Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF SOUTH BEAVER DAM CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNESE	35	6S	62E	CARTER

Source Name: SOUTH BEAVER DAM CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2		S2SW	23	6S	62E	CARTER
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Source Name: UNNAMED TRIBUTARY OF SOUTH BEAVER DAM CREEK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNESE	35	6S	62E	CARTER

Diversion to Reservoir: DIVERSION # 1

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	S2SW	23	6S	62E	CARTER

Diversion to Reservoir: DIVERSION # 2

Dam Height: 13.00 FEET

Depth: 10.00 FEET

Surface Area: 4.87 ACRES

Capacity: 19.48 ACRE-FEET

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		W2W2	23	6S	62E	CARTER
2	35.00		E2E2	22	6S	62E	CARTER
3	85.00		NW	22	6S	62E	CARTER
4	5.00		SWNE	22	6S	62E	CARTER
5	4.00		NWNW	22	6S	62E	CARTER
6	35.00		SENE	22	6S	62E	CARTER
7	30.00		E2SW	22	6S	62E	CARTER
8	158.00		E2	22	6S	62E	CARTER
Total:	<u>452.00</u>						